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EXAMINER
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CLEARY, THOMAS J

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,121

Applicant(s)

STRONG, PETER

Examiner

Thomas J. Cleary

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 34-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 34 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 34 recites the limitation "a computer usable medium having a computer readable code means embodied in said medium" which encompasses both tangible and non-tangible mediums. The only reference in the specification to what the computer usable medium is can be found in Paragraph 5 of Page 13, which states "the computer program may be stored on any suitable medium such as magnetic disc or tape, or optical disc, and also may be transferred to the processor 638 over a communications carrier medium such as a radio frequency or optical signal carrier". Both a radio frequency and an optical signal carrier are non-tangible mediums.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 9, 12, 13, 19, 20, 27, 30, 36, 37, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application Number 0491495 to Gitlin et al. ("Gitlin") and US Patent Number 6,529,957 to Joergensen ("Joergensen").

6. In reference to Claim 1, Gitlin teaches a method of transmission of data messages between a plurality of stations interconnected by a bus line, wherein each said message includes a frame portion representing content and priority information of the data message (See Figure 1 Number 22) and a data portion representing data to be transmitted (See Figure 1 Number 24), the method comprising the steps of causing at least one of said plurality of stations to transmit a data message on to the bus line such that said frame portion thereof is transmitted at a first data transmission rate (See Figure 1 Number 22 and Column 3 Lines 31-35), and the data portion thereof is transmitted at a second data transmission rate not less than said first data transmission

rate (See Figure 1 Number 24 and Column 3 Lines 35-38). Gitlin does not teach adjusting at least one of said first data transmission rate and said second data transmission rate in dependence on a signal quality determined for transmission on said bus line. Joergensen teaches that it is well known to adjust a data transmission rate in dependence on the signal quality of transmission on a communications link (See Abstract and Column 1 Line 66 – Column 2 Line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the device of Gitlin with the data transmission rate adjustment of Joergensen, resulting in the invention of Claim 1, in order to reduce the errors on a communications link (See Column 1 Lines 6-8 and Lines 46-63 of Joergensen).

7. In reference to Claim 7, Gitlin and Joergensen teach the limitations as applied to Claim 1 above. Joergensen further teaches determining the frequency of received data messages comprising an error and adjusting a data transmission rate in dependence on the frequency of received messages comprising an error (See Column 1 Line 66 – Column 2 Line 6).

8. In reference to Claim 9, Gitlin and Joergensen teach the limitations as applied to Claim 1 above. Gitlin further teaches that the header is processed by the switching nodes (See Column 3 lines 31-42) and thus inherently contains information representing the station to which the message is directed.

9. In reference to Claim 12, Gitlin and Joergensen teach the limitations as applied to Claim 1 above. Gitlin further teaches that the header is processed by the switching nodes (See Column 3 lines 31-42) and thus inherently contains information representing the station from which the message was transmitted.

10. Claim 13 recites limitations that are substantially equivalent to those of Claim 1, and is rejected under similar reasoning as applied to Claim 1 above.

11. In reference to Claim 19, Gitlin and Joergensen teach the limitations as applied to Claim 1 above. Joergensen further teaches determining whether a data message comprises an error (See Column 1 Line 66 – Column 2 Line 6).

12. In reference to Claim 20, Gitlin and Joergensen teach the limitations as applied to Claim 1 above. Joergensen further teaches the use of a Cyclic Redundancy Checker to determine whether a message has an error (See Column 2 Lines 53-56).

13. Claims 27, 36, and 38 recite limitations that are substantially equivalent to those of Claim 9, and are rejected under similar reasoning as applied to Claim 9 above.

14. Claim 30 recites limitations that are substantially equivalent to those of Claim 12, and is rejected under similar reasoning as applied to Claim 12 above.

15. In reference to Claim 37, Gitlin and Joergensen teach the limitations as applied to Claim 36 above. Gitlin further teaches that the header is processed by the switching nodes (See Column 3 lines 31-42) and thus inherently contains information representing the station from which the message was transmitted.

16. Claim 39 recites limitations that are substantially equivalent to those of Claim 37, and is rejected under similar reasoning as applied to Claim 37 above.

17. Claims 2, 3, 4, 14, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitlin and Joergensen as applied to Claims 1 and 13 above, and further in view of The Free On-Line Dictionary of Computing ("FOLDOC").

18. In reference to Claim 2, Gitlin and Joergensen teach the limitations as applied to Claim 1 above. Gitlin and Joergensen do not teach causing at least one further station to transmit onto the bus line an acknowledgment signal indicating receipt of said data message. FOLDOC teaches that it is well known in the art to send an acknowledgment signal after correctly receiving a message (See entry 'ACK').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the acknowledgment signal of FOLDOC in the device of Gitlin and Joergensen, resulting in the invention of Claim 2, in order to allow the sender

to determine if the message was correctly received and thus determine if the data must be sent again (See entry 'ACK' in FOLDOC).

19. In reference to Claim 3, Gitlin, Joergensen, and FOLDOC teach the limitations as applied to Claim 2 above. FOLDOC inherently teaches transmitting a further data message in response to receipt of an acknowledgment signal (See entry 'ACK').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the acknowledgment signal of FOLDOC in the device of Gitlin and Joergensen, resulting in the invention of Claim 3, in order to allow the sender to determine if the message was correctly received and thus determine if the data must be sent again (See entry 'ACK' in FOLDOC).

20. In reference to Claim 4, Gitlin, Joergensen, and FOLDOC teach the limitations as applied to Claim 2 above. FOLDOC further teaches retransmitting a message if no acknowledgment signal is received (See entry 'ACK').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the acknowledgment signal of FOLDOC in the device of Gitlin, resulting in the invention of Claim 4, in order to allow the sender to determine if the message was correctly received and thus determine if the data must be sent again (See entry 'ACK' in FOLDOC).



21. Claim 14 recites limitations that are substantially equivalent to those of Claim 2, and is rejected under similar reasoning as applied to Claim 2 above.

22. Claim 15 recites limitations that are substantially equivalent to those of Claim 3, and is rejected under similar reasoning as applied to Claim 3 above.

23. Claim 16 recites limitations that are substantially equivalent to those of Claim 4, and is rejected under similar reasoning as applied to Claim 4 above.

24. Claims 5, 6, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitlin and FOLDOC as applied to Claims 4 and 16 above, and further in view of US Patent Number 6,157,935 to Tran et al. ("Tran").

25. In reference to Claim 5, Gitlin, Joergensen, and FOLDOC teach the limitations as applied to Claim 4 above. Gitlin, Joergensen, and FOLDOC do not teach generating an error message prior to re-transmission of said message. Tran teaches sending a time-out message indicating that the receiver did not acknowledge receipt of the message (See Column 8 Lines 60-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the device of Gitlin, Joergensen, and FOLDOC with the time-out message of Tran, resulting in the invention of Claim 5, in order to provide an

indication to the user that the receiver did not timely acknowledge receipt of the message (See Column 8 Lines 60-66 of Tran).

26. In reference to Claim 6, Gitlin, Joergensen, FOLDOC, and Tran teach the limitations as applied to Claim 5 above. Joergensen further teaches adjusting a data transmission rate in dependence on the frequency of generation of errors (See Column 1 Line 66 – Column 2 Line 6).

27. Claim 17 recites limitations that are substantially equivalent to those of Claim 5, and is rejected under similar reasoning as applied to Claim 5 above.

28. Claim 18 recites limitations that are substantially equivalent to those of Claim 6, and is rejected under similar reasoning as applied to Claim 6 above.

29. Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitlin and Joergensen as applied to Claims 7 and 13 above, and further in view of UK Patent Application Publication Number GB 2314487 to Gfeller et al. ("Gfeller").

30. In reference to Claim 8, Gitlin and Joergensen teach the limitations as applied to Claim 7 above. Gitlin and Joergensen do not teach determining received signal strength for a data message and adjusting at least one of said first data transmission rate and said second data transmission rate in dependence on said received signal

strength determination in combination with said frequency of received data messages comprising an error. Gfeller teaches monitoring the signal to noise ratio (SNR) and adjusting a signaling rate based on the SNR (See Page 9 Lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the device of Gitlin and Joergensen with the SNR monitoring and rate adjustment of Gfeller, resulting in the invention of Claim 8, in order to provide the optimum signal rate that provides the best signal strength for the medium (See Page 9 Lines 26-29 of Gfeller).

31. In reference to Claim 22, Gitlin and Joergensen teach the limitations as applied to Claim 13 above. Gitlin and Joergensen do not teach a received signal strength measurement unit for measuring signal strength of a received data message. Gfeller teaches monitoring the signal to noise ratio (SNR) and adjusting a signaling rate based on the SNR (See Page 9 Lines 23-26).

32. Claims 10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitlin and Joergensen as applied to Claims 1 and 13 above, and further in view of US Patent Number 5,142,550 to Tymes ("Tymes").

33. In reference to Claim 10, Gitlin and Joergensen teach the limitations as applied to Claim 1 above. Gitlin and Joergensen do not teach that the frame portion contains information representing the size of the corresponding data portion. Tymes teaches

that it is well known in the art for a header to contain a field indicating the size of the data (See Column 12 Lines 59-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the device of Gitlin and Joergensen with the data size header field of Tymes, resulting in the invention of Claim 10, in order to provide an indication of how many bites of data are to follow the header (See Column 12 Lines 61-62 of Tymes).

34. Claim 28 recites limitations that are substantially equivalent to those of Claim 10, and is rejected under similar reasoning as applied to Claim 10 above.

35. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitlin and Joergensen as applied to Claim 20 above, and further in view of US Patent Number 6,385,210 to Overberg et al. ("Overberg").

36. In reference to Claim 21, Gitlin and Joergensen teach the limitations as applied to Claim 20 above. Gitlin and Joergensen do not teach an error register for holding a value indicative of the level of received messages comprising an error, and means for decrementing said value for a received data message determined not to comprise an error and incrementing said value for a received data message determined to comprise an error. Overberg teaches an error counter in which the value is incremented when a

message is not properly received and decremented when a message is properly received (See Column 7 Lines 20-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the device of Gitlin and Joergensen with the error counter of Overberg, resulting in the invention of Claim 21, in order to allow faulty nodes on a bus to be taken off the bus and not communicated with, thus preventing said faulty nodes from disrupting communication on the bus (See Column 7 Lines 23-28 of Overberg).

37. In reference to Claim 24, Gitlin, Joergensen, and Overberg teach the limitations as applied to Claim 21 above. Joergensen further teaches adjusting a data transmission rate in dependence on the frequency of received messages comprising an error (See Column 1 Line 66 – Column 2 Line 6).

38. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitlin, Joergensen, and Gfeller as applied to Claim 22 above, and further in view of US Patent Number 6,256,358 to Whikehart et al. ("Whikehart").

39. In reference to Claim 23, Gitlin, Joergensen, and Gfeller teach the limitations as applied to Claim 22 above. Gitlin, Joergensen, and Gfeller do not teach a signal strength register for holding a value representative of the level of received signal

strength. Whikehart teaches a register for holding a value representative of the level of received signal strength (See Figure 6 and Column 6 Lines 44-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the device of Gitlin, Joergensen, and Gfeller with the signal strength register of Whikehart, resulting in the invention of Claim 22, in order to provide an indicator of signal reception quality (See Column 6 Lines 44-46 of Whikehart).

40. In reference to Claim 25, Gitlin, Joergensen, Gfeller, and Whikehart teach the limitations as applied to Claim 23 above. Gfeller further teaches adjusting a signaling rate based on the SNR (See Page 9 Lines 23-26).

41. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gitlin and Joergensen as applied to Claim 13 above, and further in view of Overberg, Gfeller, and Whikehart.

42. In reference to Claim 26, Gitlin and Joergensen teach the limitations as applied to Claim 13 above. Joergensen further teaches determining whether a data message comprises an error (See Column 1 Line 66 – Column 2 Line 6). Gitlin and Joergensen do not teach an error register for holding a value indicative of the level of received messages comprising an error; a received signal strength measurement unit of measuring signal strength of a received data message; a signal strength register for

holding a value representative of received signal strength; an processing means configured to adjust said first data transmission rate and said second data transmission rate in dependence on the content of said signal strength register. Overberg teaches an error counter in which the value is incremented when a message is not properly received and decremented when a message is properly received (See Column 7 Lines 20-23). Gfeller teaches monitoring the signal to noise ratio (SNR) and adjusting a signaling rate based on the SNR (See Page 9 Lines 23-26). Whikehart teaches a register for holding a value representative of the level of received signal strength (See Figure 6 and Column 6 Lines 44-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the device of Gitlin and Joergensen with the error counter of Overberg, the SNR monitoring and rate adjustment of Gfeller, and the signal strength register of Whikehart, resulting in the invention of Claim 26, in order to allow faulty nodes on a bus to be taken off the bus and not communicated with, thus preventing said faulty nodes from disrupting communication on the bus (See Column 7 Lines 23-28 of Overberg); to provide the optimum signal rate that provides the best signal strength for the medium (See Page 9 Lines 26-29 of Gfeller); and to provide an indicator of signal reception quality (See Column 6 Lines 44-46 of Whikehart).

43. Claims 1, 11, 13, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,253,250 to Schlafer et al. ("Schlafer") and Joergensen.

44. In reference to Claim 1, Schlafer teach a method of transmission of data messages between a plurality of stations interconnected by a bus line, wherein each said message includes a frame portion representing content and priority information of the data message (See Figure 3 Number 320 and Column 3 Lines 23-25) and a data portion representing data to be transmitted (See Figure 3 Number 310 and Column 3 Lines 23-25), the method comprising the steps of causing at least one of said plurality of stations to transmit a data message on to the bus line such that said frame portion thereof is transmitted at a first data transmission rate (See Column 3 Lines 33-38), and the data portion thereof is transmitted at a second data transmission rate not less than said first data transmission rate (See Column 3 Lines 31-33). Schlafer does not teach adjusting at least one of said first data transmission rate and said second data transmission rate in dependence on a signal quality determined for transmission on said bus line. Joergensen teaches that it is well known to adjust a data transmission rate in dependence on the signal quality of transmission on a communications link (See Abstract and Column 1 Line 66 – Column 2 Line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the device of Schlafer with the data transmission rate adjustment of Joergensen, resulting in the invention of Claim 1, in order to reduce the errors on a communications link (See Column 1 Lines 6-8 and Lines 46-63 of Joergensen).



45. In reference to Claim 11, Schlafer and Joergensen teach the limitations as applied to Claim 1 above. Schlafer further teaches that the second data transmission rate is an integral multiple of the first data transmission rate (See Column 3 Lines 38-40).

46. Claim 13 recites limitations that are substantially equivalent to those of Claim 1, and is rejected under similar reasoning as applied to Claim 1 above.

47. Claim 29 recites limitations that are substantially equivalent to those of Claim 11, and is rejected under similar reasoning as applied to Claim 11 above.

48. Claims 1, 13, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitlin.

49. In reference to Claim 1, Gitlin teaches a method of transmission of data messages between a plurality of stations interconnected by a bus line, wherein each said message includes a frame portion representing content and priority information of the data message (See Figure 1 Number 22) and a data portion representing data to be transmitted (See Figure 1 Number 24), the method comprising the steps of causing at least one of said plurality of stations to transmit a data message on to the bus line such that said frame portion thereof is transmitted at a first data transmission rate (See Figure 1 Number 22 and Column 3 Lines 31-35), and the data portion thereof is

transmitted at a second data transmission rate not less than said first data transmission rate (See Figure 1 Number 24 and Column 3 Lines 35-38). Official Notice is taken that it is well known to manually monitor the signal quality of a communications link, and replace the communications card with a different card providing a different transmission rate depending upon the signal quality.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the communications cards of Gitlin with cards providing a different transmission rate, resulting in the invention of Claim 1, in order to reduce the number of errors on the link, improve the quality, and thus increase the efficiency of the communications.

50. Claim 13 recites limitations that are substantially equivalent to those of Claim 1, and is rejected under similar reasoning as applied to Claim 1 above.

51. In reference to Claim 36, Gitlin teaches a method of transmission of data messages between a plurality of stations interconnected by a bus line, wherein each said message includes a frame portion of the data message (See Figure 1 Number 22) and a data portion representing data to be transmitted (See Figure 1 Number 24), the method comprising the steps of causing at least one of said plurality of stations to transmit a data message on to the bus line such that said frame portion thereof is transmitted at a first data transmission rate (See Figure 1 Number 22 and Column 3 Lines 31-35), and the data portion thereof is transmitted at a second data transmission

rate not less than said first data transmission rate (See Figure 1 Number 24 and Column 3 Lines 35-38). Gitlin further teaches that the header is processed by the switching nodes (See Column 3 lines 31-42) and thus inherently contains information representing the station to which the message is directed. Official Notice is taken that it is well known to manually monitor the signal quality of a communications link, and replace the communications card with a different card providing a different transmission rate depending upon the signal quality.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the communications cards of Gitlin with cards providing a different transmission rate, resulting in the invention of Claim 36, in order to reduce the number of errors on the link, improve the quality, and thus increase the efficiency of the communications.

52. Claim 38 recites limitations that are substantially equivalent to those of Claim 36, and is rejected under similar reasoning as applied to Claim 36 above.

***Response to Arguments***

53. Applicant's arguments with respect to claims 1-30 and 34-39 have been considered but are moot in view of the new ground(s) of rejection.

54. Applicant has argued that Gitlin is related to data multiplexing, and not data transmission. In response, the Examiner notes that Gitlin transmits a packet header at a first bit rate and packet data at a second bit rate (See Column 3 Lines 24-38).

55. Applicant has argued that the signal quality on a transmission line is no concern to the switching node of Gitlin. In response, the Examiner notes that, as shown in the above rejections, Gitlin is being relied upon for the disclosure of transmitting data, not for the disclosure of a switching node.

56. Applicant has argued that there is no indication in Gitlin of a reverse pathway for feeding back a transmission rate adjustment message. In response, the Examiner notes that In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., feeding back a transmission rate adjustment message) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant's claims require only adjusting

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one of the first data transmission rate and the second data transmission rate in dependence of signal quality for transmission on said line. There are no claim limitations specifying how the adjustment is made.

57. Applicant has argued that Schlafer is related to data switching, and not data transmission. In response, the Examiner notes that Schlafer transmits a packet header at a first bit rate and packet data at a second bit rate (See Column 3 Lines 22-42).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Thomas J. Cleary whose telephone number is 571-272-3624. The Examiner can normally be reached on Monday-Thursday (7-3:30), Alt. Fridays (7-2:30).

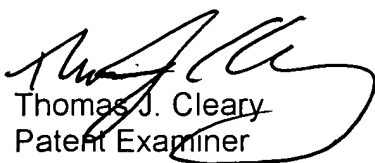
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJC



Khanh Dang  
Primary Examiner



Thomas J. Cleary  
Patent Examiner  
Art Unit 2111